

(B) A PHYSICIAN, NURSE, OR DESIGNEE OF A HEALTH CARE FACILITY SHALL, AT THE REQUEST OF AN EXPOSED HEALTH CARE PROVIDER, SEEK THE INFORMED CONSENT OF A PATIENT TO TEST A BLOOD SAMPLE OF THE PATIENT FOR THE PRESENCE OF HIV WHEN:

(1) THERE HAS BEEN AN EXPOSURE BETWEEN THE PATIENT AND THE HEALTH CARE PROVIDER;

(2) THE HEALTH CARE PROVIDER INVOLVED IN THE EXPOSURE HAS GIVEN PROMPT WRITTEN NOTICE OF THE EXPOSURE, ~~WITHIN 24 HOURS OF THE POSSIBLE EXPOSURE~~ IN ACCORDANCE WITH THE STANDARDS OF THE HEALTH CARE FACILITY, TO THE CHIEF EXECUTIVE OFFICER OR THE CHIEF EXECUTIVE OFFICER'S DESIGNEE OF THE HEALTH CARE FACILITY WHERE THE EXPOSURE OCCURRED;

(3) THE EXPOSURE OCCURRED BASED ON THE JUDGMENT OF A PHYSICIAN WHO IS NOT THE HEALTH CARE PROVIDER INVOLVED IN THE EXPOSURE; AND

(4) THE HEALTH CARE PROVIDER INVOLVED IN THE EXPOSURE HAS GIVEN INFORMED CONSENT AND HAS SUBMITTED A BLOOD SAMPLE TO BE TESTED FOR THE PRESENCE OF HIV IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION ~~(C)~~ (D) OF THIS SECTION.

(C) IF BY VIRTUE OF THE PHYSICAL OR MENTAL CONDITION OF A PATIENT, A PHYSICIAN, NURSE, OR DESIGNEE OF A HEALTH CARE FACILITY IS UNABLE TO OBTAIN THE INFORMED CONSENT OF THE PATIENT TO TEST A BLOOD SAMPLE OF THE PATIENT FOR THE PRESENCE OF HIV IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, THE PHYSICIAN, NURSE, OR DESIGNEE OF THE HEALTH CARE FACILITY SHALL SEEK THE CONSENT OF ANY PERSON WHO HAS AUTHORITY TO CONSENT TO MEDICAL CARE FOR THE PATIENT AS PROVIDED UNDER § 20-107 OF THIS ARTICLE OR AS OTHERWISE AUTHORIZED BY LAW.

~~(C)~~ (D) IF THE PATIENT'S INFORMED CONSENT HAS BEEN OBTAINED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION OR SUBSTITUTE CONSENT HAS BEEN OBTAINED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION AND THE OTHER REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION HAVE BEEN SATISFIED, A PHYSICIAN OR THE PHYSICIAN'S DESIGNEE SHALL:

(1) COLLECT THE BLOOD SAMPLE FROM THE PATIENT AND HEALTH CARE PROVIDER INVOLVED IN THE EXPOSURE; AND

(2) HAVE THE BLOOD SAMPLES TESTED FOR THE PRESENCE OF HIV USING A TEST PROCEDURE APPROVED BY THE DEPARTMENT.